

REMARKS/ARGUMENTS

Upon entry of this Amendment, which amends claims 1, 3, 7, 11, 13, 17, 21, 23, 27, and 31-35. In the Office Action, claims 10, 20, and 30 were objected to because of informalities; claims 31 and 32 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; claims 31 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language; claims 1-8, 11-18, and 21-28 were rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Demizu (U.S. Patent No. 6,195,355 B1); and claims 10, 20, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Demizu in view of Radhakrishanan et al. (U.S. Patent No. 6,049,526 A1, hereinafter "Radhakrishanan"). Applicants respectfully request reconsideration of the claims in view of the amendments above and the remarks below.

Interview Summary

Applicants thank the Examiner for the courtesy of the interview conducted on November 22, 2005. During the interview, amendments to the claims and the cited references were discussed. It was agreed upon that the amendments may distinguish over the cited references.

Claim Objections

Claims 10, 20, and 30 were objected to because of informalities. Specifically, claims 10, 20, and 30 depend on cancelled claims 9, 19, and 29. In response, Applicants have amended the claims to depend on the correct claims.

Section 112 Rejections

Claims 31 and 32 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner could not find support in the specification for a round robin sequential fashion. Applicants submit the term "round robin sequential fashion" is supported in the specification. For example, the last paragraph on page 24 and the first paragraph on 25 provide support for the term "round robin

sequential fashion". On page 25, first paragraph, the specification states that connections are moved from the scan list to the spent list once they have been allocated all the bandwidth for this round in the bandwidth allocation process. Also, on page 25, first paragraph, it is stated that the connections relative frequency counts are also reloaded for another round of bandwidth allocation to commence. On page 28, third full paragraph, it is stated that credits are added to a connection at the head of the scan list. The connection is then moved to the tail of the scan list and this process continues with connections that are at the head of the scan list continue to be allocated credits. Thus, Applicants submit that a round robin sequential fashion is provided.

Claims 31 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite and that it fails to point out what is included or excluded by the claim language. The rejection states the claim is an Omnibus claim. As recited in MPEP Section 2173.05 (r), an Omnibus claim is typically a claim that recites "the invention as described herein". These claims do not specifically point out what is included or excluded by the claim language. Applicants respectfully request that the Examiner point out why this is considered an Omnibus type claim because the language of the claim does not include the above quoted language.

Applicants also submit that claims 31 and 32 do particularly point what is claimed. For example, claim 31 recites that credits are assigned to ready network connections until a network connection is assigned credits substantially equal to its relative frequency value and then the connections are removed from the list. Applicants submit that this particularly points out what is included and excluded by the claim because credits are assigned in the round robin fashion until a connection is assigned credits substantially equal to its relative frequency value.

Section 102 Rejections

Claims 1-8, 10, and 33

Claim 1 was rejected under 35 U.S.C. § 102(a) and (e) as being anticipated by Demizu. As discussed in the interview, Demizu does not disclose or suggest allocating credits to ready network connections. Ready network connections are connections that are ready to send a data unit. In contrast, Demizu discloses merging virtual connections where a large number of virtual connections are given priority in a merge. Demizu does not disclose or suggest the

concept of allocating credits to ready network connections. Also, Demizu does not disclose or suggest determining a chosen data unit to be transmitted from a ready network connection. Rather, Demizu gives high priority to those virtual connections having a large number of virtual connections to be merged.

Applicants submit that support for the Amendment may be found at least on page 22, paragraph 1, page 24, third full paragraph, page 26, and paragraphs 2-4. These paragraphs indicate that ready network connections receive credits. These sections describe that ready network connections are allocated credits and ready network connections with credits allocated are chosen to send data units.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1. Claims 2-10 and 32 depend from claim 1 and thus derive patentability at least therefrom.

Claims 11-18, 20-28, and 30-35

Applicants submit that claims 11, 21, and 31 should be allowable for at least a similar rationale as discussed with respect to claim 1. Claims 12-18, 20, and 34 depend from claim 11; claims 22-28 and 35 depend from claim 21; and claim 32 depends from claim 31 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

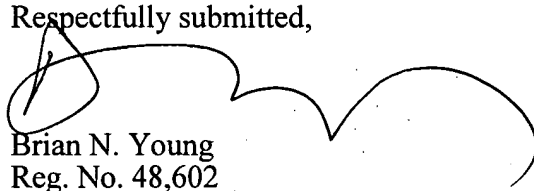
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Amendment with RCE

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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